IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANIDGARH

C.W.P. No. 15681 of 2006

Date of Decision : 28.9.2006

Varinder Kumar and another

... Petitioners

Versus

State of Punjab and others.

... Respondents

CORAM : Hon'ble Mr. Justice J.S.Khehar,
Hon'ble Mr. Justice S.D. Anand.

Present : Mr. G.P. Vashist, Advocate,
for the petitioners.

J.S.Khehar, J. (Oral)

Through the instant writ petition, the petitioners seek earned leave for the number of days, they were required to discharge duties due to the State Assembly Election in Sham Chaurasi and Panchayat Election for Block Bhunga in District Hoshiarpur. This claim was raised by the petitioners on several occasions through representations, as well as, legal notices. All the representations made by the petitioners, as well as, the notices issued by them were rejected for one simple reason, namely, that the petitioners could not substantiate, that they have actually rendered election duty.

Learned counsel for the petitioners states, that he may be permitted to withdraw this petition so as to enable him to approach the authorities as and when he is in a position to collect the material to establish,

that they had actually rendered election duty during the period of vacation.

Notice of motion.

On our asking, Mr. Ashok Aggarwal, Additional Advocate General, Punjab, accepts notice. Learned counsel for the respondents has invited our attention to the following observations noticed in the reply to a legal notice issued by the petitioners:-

> "In response to para no. VI, it is stated that it was decided vide letter No. 6/26198-6 PP-3/7538 dated 28.5.1998 of Education Department of Punjab Govt. that the teachers will be handed over the election duty during the summer vacation and the period of election duty will be transformed into earned leave. It is further submitted that on the above mentioned subject, further clarification was given vide letter No. 11/133/98-4 Ddy/11484 dated 12.6.98 of Punjab Education Department, Chandigarh and letter No. G-2/99 dated 24.8.98 of D.E.O. (S), Hoshiarpur that the teachers, who were called for performing the election duty during summer vacations will be granted earned leave for the days related to the election duty. In this way, only four days earned leave is required to be given to the concerned teachers."

On the basis of the aforesaid, learned counsel for the respondents states, that he has no objection to the disposal of the instant petition in terms of the prayer made by the learned counsel for the petitioners.

In view of the above, the instant writ petition is dismissed with liberty to the petitioners to place adequate material before the competent authority to demonstrate, that they actually discharged election duty during

the period under reference and in case such material is placed before the competent authority within a period of two months from today, the competent authority shall consider their claim and take a final decision thereon in accordance with law within two months thereafter.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)
Judge

September 28, 2006
vkd

(S.D. Anand)
Judge